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Case CM2410

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of

Gaaloul et al.

Serial No. 09/928,046

Confirmation No. 6951

Filed: August 10, 2001

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Group Art Unit: 1724

Examiner: C. S. Bushey

Title: APPARATUS FOR CLEANING AND REFRESHING FABRICATION WITH AN
IMPROVED ULTRASONIC NEBULIZER AND IMPROVED ULTRASONIC NEBULIZER

ELECTION IN RESPONSE TO A RESTRICTION REQUIREMENT

The Assistant Commissioner for Patents

BOX Non Fee Amendment

Washington, D.C. 20231

Dear Sir:

This is responsive to a Restriction Requirement dated February 4, 2003.

REMARKS

Restriction Requirement

The Examiner requires election under 35 U.S.C. §121 to one of the following three groups:

Group I: Claims 1-4, relating to a ventilation chamber, class 454, subclass 67; and

Group II: Claims 5-11, relating to an ultrasonic nebulizer, class 261, subclass 81.

The Examiner stated that Group I and II are related as combination and subcombination, and are distinct under MPEP §806.05(c).

In response, Applicants respectfully submit that the Restriction Requirement is improper because the Examiner could easily, without undue burden, search ultrasonic nebulizers and a chamber comprising said ultrasonic nebulizer.

However, in a desire to expedite prosecution of the present application, Applicants respectfully elect Group II, Claims 5-11 drawn to an ultrasonic nebulizer, with traverse.

The non-elected claims are cancelled without prejudice in the accompanying Preliminary Amendment.